

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 79984

Howard Bender Jr.

1900 Denbury Drive

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 7, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to store waste in rodent resistant watertight containers with tight fitting lids on residential property zoned DR 10.5 known as 1900 Denbury Drive, 21222.

On June 22, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$100.00 (one hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205.

B. Photographs in the file show bagged garbage piled on the ground and piled on top of uncovered and overfilled garbage cans. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All garbage must be stored in waterproof cans with tight lids. Notes in the file by Inspector Moorefield state that re-inspection on July 6 found improvement, with all garbage inside cans with lids; however, the lids were all ajar and not tightly closed. This is a continued violation of code requirements for proper storage of garbage, and provides harborage for rats. This Citation will be enforced.

C. Because compliance is the goal of code enforcement, and because improvements were made following issuance of the Citation, the civil penalty will be reduced if re-inspection finds the violations corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if re-inspection by July 28, 2010 finds the violations corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf